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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Julio Cesar Aguilar Rubido et al

Examiner: Unassigned

Serial Number: 09/857,402

Group Art Unit: Unassigned

Filed: June 1, 2001

Docket No.: 976-11PCT/US

Int'l. Appl. No.: PCT/CU99/00006

Date: September 14, 2001

Int'l. Filing Date: December 1, 1999

For: PREPARATIONS CONTAINING  
VIRUS-LIKE PARTICLES AS  
IMMUNOPOTENTIATORS  
ADMINISTERED THROUGH  
THE MUCOSA

Assistant Commissioner for Patents  
Washington, DC 20231  
BOX: MISSING PARTS

*I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to:  
Assistant Commissioner for Patents, Washington, D.C.  
20231 on September 14, 2001*  
Dated: 9/14/01 / *Carb M. Bryan*

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371 AND  
CLAIM OF SMALL ENTITY STATUS**

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. §371 of the patent application identified above dated 19 July 2001, we submit herewith (1) Declaration and Power of Attorney executed by the inventors, (2) Certified Translation of Cuban Patent Application 193/98 and (3) our check in the amount of \$65.00 for submission of the declaration after twenty or thirty months from priority date. A copy of Form PTO-1533 is also enclosed, as required.

Applicants note that fees are payable as a small entity, such status of which is hereby claimed.

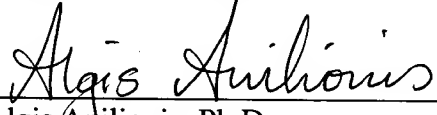
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65.00 OP

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to our Deposit Account Number 08-2461.

Respectfully submitted,

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.

09/857402

FIRST NAMED APPLICANT:

AGUILAR RUBIDO

ATTY. DOC#ET NO.

J 976-11 PCT/U

INTERNATIONAL APPLICATION NO.

PCT/CU99/00006

I.A. FILING DATE

01 DEC 99

PRIORITY DATE

02 DEC 98

DATE MAILED:

19 JUL 2001

RONALD J BARON  
HOFFMANN & BARON  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

JUL 23 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                                    |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventor(s).   | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:  |
| <input checked="" type="checkbox"/> Priority Document.   |  |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |  |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |  |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Anita D. Johnson

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3661